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BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			LEE, ANDREW CHUNG CHEUN	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,780

Applicant(s)

FISHER, GREGORY S.

Examiner

Andrew C Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "default gateways" and "revised data packet" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "a 2-bit frame type included in other data field 206 comprise the rest of the

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Ethernet header for the packet. The other eight bits of other data field 206 are comprised hardware type fields and an ARP operations field” as described in the specification (p. 12, lines 18-20). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing.

MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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4. Figure 2 (3/6) should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to because Fig.4 (7/17/2001), the reference element "COMPUTER" in boxes 402 and 404 as disclosed is different from the original drawing (Fig. 4 3/16/2001). Box 406, the element "ADDRESS FROM ADP PACKET" where ADP packet is not disclosed in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional

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replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

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Extensive mechanical and design details of apparatus should not be given.

7. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

8. The disclosure is objected to because of the following informalities:

- Fig. 1a (1/6), the HOME POUTER 110 should be corrected as HOME ROUTER 110. "Default Gateways" should also be indicated in the diagram. The connection lines should be labeled and indicated what type of connections or network is.
- Fig. 1b (2/6), the Office suggests that the Interface 140 be specified as LAN Interface and Interface 144 be specified as WAN Interface.
- Fig. 2 (3/6), the arrows as shown in Sender MAC address and Sender IP Address should be labeled or deleted.
- Fig. 4, there is a typo in flow chart box 406- "ADP packet " should be corrected as ARP packet"
- Fig. 5, examples of MAC address 502 should be provided, for example 00:00:C0:93:19:00 (6 bytes in length)
- Page 6, lines 8-11, the Office requests the Applicant to provide more clarification for " router dynamically generates a routing table from Address Resolution Protocol (ARP) Packet exchanged between the CPE and the external network". It was known that ARP maps IP address to Ethernet Address.

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- Page 8, lines 12-14, the Office requests the Applicant to provide more clarification for “the first and second interfaces provide Ethernet connectivity with networks external to said router”.
- Page 14, line 2, the Office requests the Applicant to provide more clarification for “ such as every 5 minutes”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2, 6, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al. (U.S. Patent No. 5987524).

Regarding Claim 1, Yoshida et al. discloses the limitation of an internal network comprising a plurality of customer premises equipment (CPE) each having an associated IP address and machine address (Abstract, lines 1-6), a method of routing IP data packets comprising the steps of: for IP data packets

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received from the internal network, comparing a destination IP address of a received IP data packet with IP addresses stored in a routing table (column 6, lines 27-29); when said destination IP address matches one of said IP addresses stored in said routing table (column 6, lines 29-31), replacing a default gateway address of said IP data packet with a machine address corresponding with said one IP address from said routing table to create a revised data packet (column 6, lines 34-37); and routing said revised data packet to said internal network for receipt another of said CPE, said another CPE having said address corresponding with said one IP address (column 6, lines 37-41).

Regarding Claim 2, Yoshida et al. discloses the limitation of 1 monitoring IP data packets sent from the plurality of CPE direct to an external communication network to detect address resolution protocol (ARP) packets sent from each of said CPE (Fig. 5; column 6, lines 9 – 12; lines 20 – 22); extracting said machine address and said IP address associated with said each CPE from the ARP packet (column 6, lines 34 – 37); and storing said machine address and said IP address in said routing table that correlates machine addresses and IP addresses with each CPE of said plurality (column 7, lines 31 – 34).

Regarding Claim 6, Yoshida et al. discloses the limitation of the extracting step is performed in response to the monitoring step detecting of said ARP packet (Fig. 5, column 6, lines 9 – 12), and the storing step is performed when an

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IP address stored in the routing table differs from an IP address extracted from the ARP packet for a corresponding CPE (column 7, lines 31 – 34).

Regarding Claim 7, Yoshida et al. discloses the limitation of updating said routing table by performing the monitoring step substantially continuously, performing the extracting step when the monitoring step detects said ARP packet (column 11, lines 59 – 65), and performing the storing step when an IP address stored in the routing table differs from an IP address extracted from the ARP packet for a corresponding CPE (column 7, lines 31 – 34).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (U.S. Patent No. 5987524) in view of Liu et al. (U.S. Patent No. 6574664 B1) .

Regarding Claim 5, Yoshida et al. discloses the limitation of an internal network comprising a plurality of customer premises equipment (CPE) each having an associated IP address and machine address (Abstract, lines 1-6), a

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method of routing IP data packets comprising the steps of: for IP data packets received from the internal network, comparing a destination IP address of a received IP data packet with IP addresses stored in a routing table (column 6, lines 27-29); when said destination IP address matches one of said IP addresses stored in said routing table (column 6, lines 29-31), replacing a default gateway address of said IP data packet with a machine address corresponding with said one IP address from said routing table to create a revised data packet(column 6, lines 34-37); and routing said revised data packet to said internal network for receipt another of said CPE, said another CPE having said address corresponding with said one IP address (column 6, lines 37-41).Yoshida et al. does not disclose the limitation of regularly sending a request data packet to each CPE requesting a response data packet to verify the IP addresses associated with each CPE stored in the routing table. Liu et al. discloses of regularly sending a request data packet to each CPE requesting a response data packet to verify the IP addresses associated with each CPE stored in the routing table (column 4, lines 22 – 35; column 6, lines 10 – 22). It would have been obvious to modify Yoshida et al. to include regularly sending a request data packet to each CPE requesting a response data packet to verify the IP addresses associated with each CPE stored in the routing table as that taught by Liu et al. in order to obtain or discover the IP and MAC addresses of the nodes on a local or remote network.

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13. Claims 3, 4, 8, 9, 10, 11, 13, 14, 15, 16, 17, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (U.S. Patent No. 5987524) in view of Jain et al. (U.S. Patent No. 6047325).

Regarding Claims 8 and 14, Yoshida et al. discloses the limitation of the internal network comprising a plurality of customer premises devices coupled to the router (Abstract, lines 1 – 3), and a cable modem coupling the router with an external network (column 5, lines 7 – 8), the router comprising: a controller for monitoring IP data packets sent from the plurality of CPE direct to the external communication network to detect address resolution protocol (ARP) packets sent from each of said CPE and extracting a machine address and an IP address from the ARP packet(column 4, lines 5 – 8; lines 10 – 21); a memory for storing said machine address and said IP address in a routing table that correlates machine addresses and IP addresses with each CPE of said plurality (column 3, lines 49 – 50, inherent router unit has memory).

Yoshida et al. does not disclose the controller, for each IP data packet received from each CPE, compares a destination IP address of said IP data packet with the IP addresses stored in said routing table, and when said destination IP address matches one of said IP addresses stored in said routing table, replaces a default gateway address of said IP data packet with said machine address corresponding with said one IP address from said routing table to create a revised data packet, and places said revised data packet onto an internal

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network for receipt by one of said CPE, said one CPE having said machine address corresponding with said one IP address.

Jain et al. discloses the limitation of the controller, for each IP data packet received from each CPE, compares a destination IP address of said IP data packet with the IP addresses stored in said routing table (column 4, lines 10 – 14), and when said destination IP address matches one of said IP addresses stored in said routing table, replaces a default gateway address of said IP data packet with said machine address corresponding with said one IP address from said routing table to create a revised data packet (column 4, lines 14 – 26), and places said revised data packet onto an internal network for receipt by one of said CPE, said one CPE having said machine address corresponding with said one IP address (column 4, lines 21 – 25). It would have been obvious to modify Yoshida et al. to include the controller, for each IP data packet received from each CPE, compares a destination IP address of said IP data packet with the IP addresses stored in said routing table, and when said destination IP address matches one of said IP addresses stored in said routing table, replaces a default gateway address of said IP data packet with said machine address corresponding with said one IP address from said routing table to create a revised data packet, and places said revised data packet onto an internal network for receipt by one of said CPE, said one CPE having said machine address corresponding with said one IP address as that taught by Jain et al. in order to permit traffic routing to/from both external and internal networks.

Regarding Claims 9 and 13, Yoshida et al. discloses the limitation of a router as claimed (Abstract, lines 1 – 3). But he fails to disclose explicitly the router comprising first and second interfaces coupled with the controller, the first and second interfaces providing Ethernet connectivity with networks external to said router, wherein the first interface is coupled to said internal network, and the second interface is coupled to said cable modem for communicating with the external network. Jian et al. discloses the limitation of the router comprising first and second interfaces coupled with the controller (column 4, lines 5 – 8, lines 10 – 13), the first and second interfaces providing Ethernet connectivity with networks external to said router (column 4, lines 5 – 10), wherein the first interface is coupled to said internal network (column 4, lines 5 – 6), and the second interface is coupled to said cable modem for communicating with the external network (column 4, lines 7 – 13). It would have been obvious to modify Yoshida et al. to include the router comprising first and second interfaces coupled with the controller, the first and second interfaces providing Ethernet connectivity with networks external to said router, wherein the first interface is coupled to said internal network, and the second interface is coupled to said cable modem for communicating with the external network as that taught by Jain et al. in order to permit traffic routing to/from both external and internal networks.

Regarding Claims 3, 10, 15, Yoshida et al. discloses the limitation of the router as claimed (Abstract, lines 1 – 3). But he fails to disclose explicitly the

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controller routes the IP data packets received at the first interface from the CPEs to the external network when said destination IP address does not match one of said IP addresses stored in said routing table. Jian et al. discloses the limitation of the controller routes the IP data packets received at the first interface from the CPEs to the external network when said destination IP address does not match one of said IP addresses stored in said routing table (Column 4, lines 10 – 33). It would have been obvious to modify Yoshida et al. to include the controller routes the IP data packets received at the first interface from the CPEs to the external network when said destination IP address does not match one of said IP addresses stored in said routing table as that taught by Jain et al. in order to permit traffic routing to/from both external and internal networks.

Regarding Claims 4, 11, 16, Yoshida et al. discloses the limitation of the router as claimed (Abstract, lines 1 – 3). But he fails to disclose explicitly the controller routing IP data packets received at the second interface from the external network directly to the first interface for receipt by the internal network. Jian et al. discloses the limitation of the controller routing IP data packets received at the second interface from the external network directly to the first interface for receipt by the internal network (column 4, lines 10 – 30; lines 47 – 50). It would have been obvious to modify Yoshida et al. to include the controller routing IP data packets received at the second interface from the external network directly to the first interface for receipt by the internal network as that

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taught by Jain et al. in order to permit traffic routing to/from both external and internal networks.

Regarding Claim 17, Yoshida et al. discloses the limitation of providing each CPE an IP address from an external network server performing a dynamic host configuration protocol (DHCP) (column 11, lines 29 – 34).

Regarding Claims 21, Yoshida et al. discloses the limitation of the extracting step is performed in response to the monitoring step detecting of said ARP packet (Fig. 5, column 6, lines 9 – 12), and the storing step is performed when an IP address stored in the routing table differs from an IP address extracted from the ARP packet for a corresponding CPE (column 7, lines 31 – 34).

Regarding Claim 22, Yoshida et al. discloses the limitation of updating said routing table by performing the monitoring step substantially continuously, performing the extracting step when the monitoring step detects said ARP packet (column 11, lines 59 – 65), and performing the storing step when an IP address stored in the routing table differs from an IP address extracted from the ARP packet for a corresponding CPE (column 7, lines 31 – 34).

14. Claims 12, 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (U.S. Patent No. 5987524) as applied to claims

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3, 4, 8, 9, 10, 11, 13, 14, 15, 16, 17, 21, 22 above, and further in view of Liu et al. (U.S. Patent No. 6574664).

Regarding Claims 12, 18 – 20, Yoshida et al. discloses the limitation of the router as claimed (Abstract, lines 1 – 3). But he fails to disclose explicitly the controller regularly sending a request data packet to each CPE requesting a response data packet and verifies the IP addresses associated with each CPE stored in the routing table. Jian et al. discloses a controller processing packets received through the interface according to information found in the address resolution protocol (ARP) table. It would have been obvious to modify Yoshida et al. to include a controller processing packets received through the interface according to information found in the address resolution protocol (ARP) table as that taught by Jain et al. in order to permit fast IP address and MAC address translation. But both Yoshida et al. and Jian et al. fail to disclose explicitly the controller regularly sending a request data packet to each CPE requesting a response data packet and verifies the IP addresses associated with each CPE stored in the routing table. Liu et al. discloses the limitation of the controller regularly sending a request data packet to each CPE requesting a response data packet and verifies the IP addresses associated with each CPE stored in the routing table. Jian et al. discloses the limitation of the controller regularly sending a request data packet to each CPE requesting a response data packet and verifies the IP addresses associated with each CPE stored in the routing table (column 4, lines 22 – 25; column 6, lines 11 – 22). It would have been obvious to

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modify Yoshida et al. to include the controller regularly sending a request data packet to each CPE requesting a response data packet and verifies the IP addresses associated with each CPE stored in the routing table as that taught by Jain et al. in order to IP address returned to the local IP and MAC address discovery procedure and stored in an IP and MAC databases that is accessible by other nodes or application programs.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL 31 August 2004


Ajit Patel
Primary Examiner